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January 19, 2024

VIA ECF

Honorable Katherine Polk Failla
Thurgood Marshall
United States Courthouse
40 Foley Square, Room 618
New York, New York 10007

Re: *In Re CT Group Holdings Limited*, Case No. 1:23-MC-00403

Dear Judge Failla:

Pursuant to Your Honor's Individual Practice Rules, the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, Rule 2(c), Petitioner CT Group Holdings Limited ("CT Group" or the "Petitioner") respectfully submits this Letter Motion to Extend the Court's Stay of Consideration of Petitioner's 1782 Application And Petition For An Order To Conduct Discovery For Use In Foreign Proceedings Pursuant to 28 U.S.C. § 1782 (the "1782 Application") ("Letter Motion to Extend Stay") and to inform this Court of a recent update in the Foreign Proceeding.

On December 12, 2023, Dkt. No. 31, Petitioner informed the Court that, following a hearing in the foreign proceeding on November 30, 2023, the court in the Foreign Proceeding had ruled in favor of Petitioner. Petitioner further explained that Linda had the right to appeal the ruling and so requested that the Court delay consideration of the 1782 Application for five weeks, as such time, Petitioner understood, would allow the Foreign Proceedings to reach their conclusion. *Id.* On December 15, 2023, Dkt. No. 35, the Court granted Petitioner's Letter Motion to Stay and ordered an update from Petitioner by January 19, 2024.

Linda has not appealed the foreign court's ruling, nor has she sought the hearing that would trigger her right to appeal (the "Consequential Hearing"),¹ despite the norm of Consequential Hearings being set within 7 to 14 days of a ruling. Greeno Decl. ¶ 6. The time period for Linda to appeal the foreign court's ruling does not begin to run until a Consequential Hearing is held, which will determine any application for permission to appeal and the award of costs and attorney fees. Should it be determined at the Consequential Hearing that Linda has right to appeal, she will have 21 days to do so. *Id.* It thus remains in Linda's hands to move the Foreign Proceeding forward. Given Linda's inaction, Petitioner will write to Linda this coming week for an update on

¹ A Consequential Hearing will determine any application for permission to appeal and the award of costs and attorneys fees. Once the Consequential Hearing takes place, or any further Order is made by the foreign judge, Linda will have 21 days to file a notice to appeal, after which Linda will have 7 days to serve such notice on Petitioner. *Id.* at 2 n.1.

the next steps in the Foreign Proceeding. *Id.* ¶ 6. If Linda continues to stalwart, Petitioner will request the Hearing to force Linda to make a decision. *Id.*

For the same reasons laid out in Petitioner's Letter Motion to Stay Consideration of Petitioner's 1782 Application, Dkt. No. 31, which this Court granted, Dkt. No. 35, Petitioner respectfully requests that this Court extend its stay of consideration of Petitioner's Application for another five weeks. Greeno Decl. ¶ 7. Petitioner will inform the Court within 48 hours of any change in circumstances that would impact the Court's decision to either lift the proposed stay or dismiss the 1782 Application. *Id.* ¶ 8.

Respectfully Submitted,

/s/ Lucas Bento